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Court orders proceedings against Unitech and its top bosses

By Ravi Teja Sharma, ET Bureau | 15 Jun, 2016, 05:18AM IST

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NEW DELHI: A district court in Delhi has ordered that proceedings be initiated against real estate developer [Unitech](#) **BSE 15.75 %** and its promoters and top executives under section 420 of the Indian Penal Code in a case of [cheating](#) filed by a homebuyer.

The homebuyer, Paramvir Singh Narang, had booked a flat in one of the builder's projects —Unitech Cascades — in Greater Noida in 2006. The flat was to be delivered in April 2008 according to the agreement, but when the company did not deliver the apartment Narang filed a case. Initially, the case was dismissed by a magisterial court, after which Narang filed a revision petition in the Saket court in Delhi.



Unitech Ltd Chairman Ramesh Chandra has been named as accused in the complaint.

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[Unitech](#) **0.77 (15.75%)**

In his complaint, Narang named Unitech, its chairman Ramesh Chandra, managing directors Ajay Chandra and Sanjay Chandra, and four other directors as accused. In his order, additional sessions judge Sandeep Yadav said, "Since respondents after receiving total agreement payment of Rs 39,07,582 neither offered possession of apartment nor refunded the amount with simple interest @ 10% per annum, it can be safely concluded that respondents were having guilty intention to cheat the petitioner from the very beginning of transaction. Even the legal notice issued by complainant to accused persons was not replied...Hence, section 420 IPC gets attracted to the facts of present case."

The judge said that the "learned additional chief metropolitan magistrate (south) erred in observing that it is a civil dispute and petitioner cannot maintain criminal proceeding by alleging cheating".



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"The impugned order suffers from illegality and cannot be sustained. Accordingly, the revision petition is allowed and impugned order dated 13.04.2015 is set aside. Trial court is directed to proceed against respondents u/s. 420 IPC," he said, and asked the

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petitioner to appear before trial court on July 4. Unitech, once India's second largest builder, has been facing consumer complaints because of its failure to deliver apartments on time.

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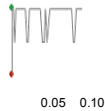
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